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Subject: BSRE Point Wells LP Urban Center Application - Hearing 5/16/18
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Attachments: [Shoreline Comment Letter.pdf](#)

Attached is the City of Shoreline's comment letter regarding the above application scheduled for hearing today.

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**I-411 Tarry, Debra City of Shoreline -- May 16, 2018
PFN: 11 101457 LU**



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May 16, 2018

The Honorable Peter Camp, Hearing Examiner
Snohomish County
Office of Hearings Administration
3000 Rockefeller Ave M/S 405
Everett, WA 98201

VIA EMAIL: hearing.examiner@snoco.org

RE: BSRE Point Wells LP Urban Center Application
Hearing Date May 16, 2018

The Honorable Peter Camp:

The City of Shoreline (“Shoreline”) submits these comments in support of the Snohomish County Departments of Planning and Development Services and Public Works (collectively, “Snohomish County”) recommendation to deny the Point Wells Project applications¹ pursuant to Snohomish County Code (SCC) 30.61.220. As the Snohomish County Staff Reports denote, BSRE has failed to provide Snohomish County with the information necessary to facilitate permit and environmental review. Accordingly, the County, Shoreline, or the public, should not incur the needless time and expense of proceeding with a State Environmental Policy Act (“SEPA”) process when the project simply cannot meet the mandatory Snohomish County Code (“SCC”) requirements.

As set forth in more detail in this comment letter, the Point Wells Project proponent, BSRE Point Wells LP (“BSRE”), has had more than enough time to provide the information necessary to demonstrate that the project complies with Snohomish County’s plans and regulations. In fact, BSRE has had over seven years to respond to the repeated requests from Snohomish County to provide the necessary information. Yet, BSRE remains unable to demonstrate that vital components of its Urban Center proposal can actually be provided. More specifically, BSRE is not able to demonstrate that:

¹ The Point Wells project applications are denoted as Snohomish County File Nos. 11-101457 LU, 11-101461 SM, 11-101464 RC, 11-101008 LDA, 11-101007 SP, and 11-101457 VAR. These applications and the development sought pursuant to them will collectively be referred to in this comment letter as the “Point Wells Project”.

1. A required viable second access road to provide for safe, efficient circulation and access for vehicles to and from the Point Wells site can be provided;
2. High-capacity transit is available which is necessary to support increased building heights;
3. Neighboring lower density land uses are protected with appropriate building height setbacks;
4. The public interest in the Puget Sound shoreline will be protected;
5. The function and values of critical areas will be maintained; and
6. Adequate transportation and parking infrastructure will be provided so as to not have adverse effects and impacts on neighboring communities.

The Point Wells Project that BSRE proposes is simply not viable under the Urban Center land use designation and zoning that it vested to years ago no matter how BSRE attempts to modify its application package. To construct the project at that density it desires, BSRE needs a variety of deviations and variances from SCC requirements but, more importantly, it needs *high capacity transit* and a *second access road*. Without high capacity transit or a second access road, BSRE simply cannot build at a density that would make the project viable.

BACKGROUND

The development at issue in these proceedings is a proposal to redevelop a 61-acre industrial site in the southwestern corner of Snohomish County, known as Point Wells, adjacent to the City of Shoreline and Town of Woodway but, solely accessed through Shoreline by Richmond Beach Drive. Point Wells was developed for and continues to be utilized for various industrial purposes (oil refinery, tank farm, and asphalt plant) for more than a century, leaving a legacy of heavy contamination on the land. The site of the proposed development is bordered by two-thirds of a mile of Puget Sound shoreline to the west and a very steep bluff projecting up to 220 feet high to the east.²

BSRE seeks to create an Urban Center on the site with more than 3000 residential units and approximately 125,000 square feet of commercial amenities, with buildings towering to 180 feet, along with open space and public services at Point Wells. The ability for Point Wells to be redeveloped has been a source of controversy for over a decade, with the most recent occurring in 2009 when Snohomish County redesignated Point Wells from a comprehensive plan land use of Urban Industrial to a comprehensive plan land use of Urban Center. This redesignation spurred legal challenges before the Growth Management Hearings Board³ and then to the Courts,

² See Attachment A, Topographical Map.

³ *City of Shoreline, et al v. Snohomish County*, CPSGMHB Coordinated Case Nos 09-3-0013c and 10-3-0011c. The challenge presented to the Growth Board was to the 2009 redesignation of Point Wells to Urban Center and the subsequent Urban Center development regulations along with the State Environmental Policy Act (SEPA) documents prepared by Snohomish County to support these

ultimately finding its way to the Washington Supreme Court in 2014.⁴ The City of Shoreline has been involved and present throughout this controversy because of the immense impacts that it almost singularly will endure if the Point Wells Project is realized as BSRE envisions.

As the Hearing Examiner is aware, Shoreline borders the King-Snohomish County line and is immediately south of Point Wells with its northwest boundary abutting the area. This creates a situation where the only current point of vehicular access to the Point Wells site is via Shoreline and its transportation network.⁵ Accordingly, a major obstacle to the Point Wells re-development is the limited access to the area. Due to the steep bluffs rising eastward to the Town of Woodway, access is potentially only available from the south through Shoreline via Richmond Beach Drive, a two-lane street that dead ends at Point Wells after passing through a historic single-family residential neighborhood. The nearest major highway is Aurora Avenue (State Route 99), approximately 2.5 miles east, with Interstate 5 located over 4 miles to the east, both of which bisect Shoreline north to south. Accordingly, future residents of the Point Wells Project will utilize Shoreline streets when entering or leaving the area for work and every other aspect of their everyday lives. Moreover, given the topographical limitation, Shoreline will be the primary receiver of not just impacts to its transportation network (see Attachment C, Key Transportation Connections with Volumes) but also impacts to both public and private services within Shoreline as residents seek these services from outside of Point Wells. Thus, even though Shoreline is not the governmental entity ultimately responsible for the permitting of the redevelopment of Point Wells, it will be responsible for absorbing many of the impacts arising from any future development of the area.

actions. The Growth Board largely found Snohomish County failed to comply with the Growth Management Act (GMA) because the Urban Center designation of Point Wells did not comply with criteria Snohomish County had established for such a designation but also that Snohomish County's environmental review was flawed under SEPA. *Final Decision and Order* (April 25, 2011). It took Snohomish County until December 2012 to achieve compliance which it did by changing the designation of Point Wells to Urban Village and applying Planned Business Community zoning thereby reducing the permit level of density the site could support. *Order Finding Compliance* (Dec. 20, 2012).

The proceedings before the Growth Board can be reviewed at: <http://www.gmhb.wa.gov/>

⁴ *Town of Woodway v. Snohomish County*, 180 Wn.2d 165 (2014). In this case, the Supreme Court was asked to determine if the Point Wells Project was vested under the Urban Center land use designation and development regulations because they were later found to be flawed under SEPA by the Growth Board and the Courts. The Supreme Court answered in the positive, the Point Wells Project was vested despite the flawed SEPA analysis.

⁵ Shoreline acknowledges that a small portion of Richmond Beach Drive, approximately 250 feet in length, is located within the Town of Woodway. However, this nominal portion of the road can only be accessed through Shoreline.

It was for these reasons that Shoreline, even before the Point Wells Project was contemplated, anticipated the impact that redevelopment of the area would have on the City and began to plan for annexation of Point Wells. In 1998, just three years after incorporation, Shoreline designated Point Wells as a “potential annexation area” (PAA)⁶ with the adoption of Shoreline’s first GMA Comprehensive Plan.⁷ Planning efforts for this area culminated in the adoption of the Point Wells Subarea Plan in 2010 with the area now being labeled as a “future service and annexation area” (FSAA). The Point Wells Subarea Plan articulates the future vision Shoreline has for the area, which is a world class, environmentally sustainable community providing for a mix of land uses, including a wide range of residential, commercial, and recreational uses. This vision is different from Snohomish County’s Urban Center designation and BSRE’s proposed Point Wells Project.

COMPLIANCE ANALYSIS

Shoreline largely concurs with Snohomish County Planning Staff’s detailed analysis in its April 17, 2018 Staff Report and May 9, 2018 Supplemental Staff Report (collectively “Staff Reports”) that the Point Wells Project is in substantial conflict with adopted plans, regulations, and laws, and that this substantial conflict cannot be cured. The only exception to Shoreline’s concurrence is in relation to Snohomish County Staff’s statements regarding the Traffic Report and Assumptions and Public Transportation and Transit Compatibility in the May 9 Supplemental Staff Report.

In this comment letter Shoreline will discuss its support for the recommendation in the Staff Reports in relation to how the documentation submitted by BSRE for the Point Wells Project, from its original application package of 2011 to its most recent April 27, 2018 submittal, fails to demonstrate that the Point Wells Project can be built at an Urban Center intensity.

- 1. BSRE has failed to demonstrate that the Point Wells Project can provide a viable second access road to provide for safe, efficient circulation and access for vehicles to and from the Point Wells site.**

SCC 30.53A.512 and SCC 13.05.020, along with the Snohomish County Engineering and Development Standards (EDDS) 3-01, require a second access road for the Point Wells Project. This second access road will be triggered by Phase I of the Point Wells Project. BRSE conceptually proposes to construct the required second access road traversing a landslide hazard area (geological hazard), crossing Chevron Creek, and

⁶ A potential annexation area (PAA) is the terminology utilized by the GMA (RCW 36.70A.110(7) and King County for unincorporated areas that are anticipated to be annexed to the adjacent municipality. The GMA also uses the term urban service area. Snohomish County’s use of a Municipal Urban Growth Area (MUGA) serves the same purpose as these terms.

⁷ Attachment B, Shoreline Comprehensive Plan Land Use Map

wetlands. See, *Critical Areas Report* Exhibit C-30 – Appendix A. These factors question the feasibility of actually being able to construct this second access road.

In its most recent submittal, BSRE has provided the April 20, 2018 Hart Crowser *Subsurface Conditions Report* for Point Wells, which includes additional boring data and analysis of soils, potential for liquefaction, lateral spreading, and seismic induced hazards, and provides additional information on the existing conditions of the site. See, Exhibit C-33. The Hart Crowser Report acknowledges the need for *more* testing to verify conditions and hazards specifically in the area where the proposed second access road would be located. In addition, the Hart Crowser Report only provides generalized descriptions of *possible* engineering solutions that could be used to mitigate predicted hazards related to construction of the second access road. These proposed mitigating engineering solutions, which have never been provided by BSRE before, would require piping of Chevron Creek and dewatering of the wetland (both of which would likely require State and, potentially, Federal permitting)⁸ along with needing to acquire multiple easements from adjacent private property owners. Accordingly, the ability to implement these solutions is so tenuous and problematic that the proposed second access road amounts to a “theoretical” one.

Furthermore, the 2018 Second Access Plan (Exhibit B-8) shows a grade of 15% for the second access road – this is the maximum grade allowed by Snohomish County⁹ which would not only be problematic in inclement weather but a grade at this level would discourage use. The 2018 Second Access Plan also does not show how the road would connect to the Town of Woodway’s transportation network and, since the road is within Woodway’s jurisdictional authority (thus, outside of the Snohomish County permit process), Shoreline has concerns about the mechanism for enforcing the actual construction of the road. Given the lack of clear construction feasibility, Shoreline has serious concerns about the implications to the Shoreline street network.

The Hart Crowser Report also contends that enough analysis has been done to move the Point Wells Project into environmental review. The City of Shoreline disagrees. Since the ability to permit any development that will generate more than 250 Average Daily Trips (ADT) from the Point Wells Project is predicated on the ability to provide secondary access as described in EDDS 3-01 (B)(05), SCC 13.05.020, and SCC 30.53A.512, it is reasonable to require BSRE to at least provide preliminary engineering of alternatives prior to a determination that environmental review should proceed.

Lastly, one of the primary reasons for the second access road is to provide for a means to safely access and leave the Point Wells site, especially in the event of an emergency.

⁸ In addition, to pipe a stream and dewater a wetland is contrary to current development practices that seek to preserve and protect this critical areas in their natural state.

⁹ SCC 30.53A.512

This alone is problematic as BSRE proposes to provide over 1,000 “senior housing” units which will undoubtedly have an impact on emergency services. While BSRE intends to satisfy emergency services by providing on-site fire and police services within the Urban Plaza area of the Point Wells Project, these would be intermediate services and still require the potential for delivery to hospitals. At a 15 percent grade, emergency vehicles could face substantial obstacles to providing services. In addition, the Urban Plaza is below a 60 foot retaining wall positioned at the base of a landslide hazard area. If the second access road should fail, which is entirely possible based on known risk factors, the safety of residents, visitors, and first responders would be put in jeopardy even if there are on-site services.

The provision of the second access road is pivotal to the Point Wells Project. If a second access cannot be provided, the Point Wells Project cannot be approved. To undergo environmental review before such a pivotal aspect has moved beyond a hypothetical concept would needlessly expend public resources.

2. **BSRE has failed to demonstrate that the building heights and setbacks within the Point Wells Project comply with Snohomish County Code.**

A. ***BSRE has failed to demonstrate that high-capacity transit will be provided so as to support increased building heights of over 90 feet.***

BSRE fails to provide credible evidence of access to high capacity transit.¹⁰ Therefore, buildings over 90 feet in height are not permitted pursuant to SCC 30.34A.040(1). The Point Wells Project Architectural Plans (Exhibit B-7) now show twenty-one (21) residential or mixed use towers substantially over 90 feet – ranging from 125 to 180 feet. Several of these towers are proposed to be located within a public view corridor enjoyed by Shoreline residents within the historic Richmond Beach neighborhood as well as the Town of Woodway residents to the east.

The Point Wells Project, however, cannot benefit from the height increase since the Point Wells Project is not located *near* a high capacity transit route or station that its residents can use. Allowing for 21 towers to exceed the SCC’s maximum height of 90 feet based on BSRE’s statement of speculative “interest” of high capacity transit potentially coming to the area sometime in the future simply fails as does their proposal to provide shuttle to stations miles away. This clearly does not meet the intent of SCC 30.34A.040 (2010). This provision demands that the project be *near* a high capacity transit route or station before height may be increased. While a

¹⁰ SCC 30.91H.108 defines high capacity transit as any transit technology that functions to carry high volumes of passengers quickly and efficiently, and preferably on exclusive or semi-exclusive rights-of-way, such as bus rapid transit, light rail, commuter rail, and passenger-only ferries. RCW 81.104.015 defines a high capacity transportation system to be one that operates principally on exclusive rights-of-way at a substantially higher level of passage capacity, speed, and service frequency than traditional public transportation systems operated on general purpose roadways.

Sounder rail line passes through the Point Wells site, it provides no service to Point Wells. More importantly, BSRE's documentation continues to only envision, as part of Phase 3 of the Point Wells Project, a future Sound Transit commuter rail station (See, Exhibit A-32 at Page 7; Exhibit A-35 at Page 4) - an idea that neither Shoreline nor Snohomish County has been able to substantiate with Sound Transit. Plus even BSRE's Exhibit A-35 falls far short of a *commitment* to high capacity transit stating only that Sound Transit has "*expressed an interest in providing commuter rail service.*"¹¹ When one looks at Snohomish County's other urban centers, all are on major transit corridors such as Interstate 5 and State Route 99 which provide frequent transit service, including bus rapid transit.

Until somebody commits to providing high capacity transit at Point Wells, BSRE proposes to use shuttles to transport residents to high capacity transit miles away, including the future Sound Transit Lynnwood Link light rail station at N 185th and the park-n-ride lot at Aurora Village, both in Shoreline. Shuttle service does not meet the intent of SCC 30.34A.040 because it is not high capacity transit. In order for the benefits of high capacity transit to be realized, it must be supplied without exception and at a level that meets the definition of "high capacity." Appendix D of Exhibit A-35 describes a shuttle service that will only be supplied frequently once the Point Wells Project is generating trips approaching BSRE's arbitrary "trip threshold" and, then, service will only be available weekdays during the AM and PM peak periods.¹² Not only would infrequent shuttle service fail to meet the definition of high capacity transit in SCC 30.91H.108 and RCW 81.104.015, but SCC 30.34A.085 describes requirements for stops or stations to be within one-half mile and for shuttles/van pools to be on a regular schedule, not an intermittent schedule. If Appendix D of Exhibit A-35 is intended to satisfy the criteria for high capacity transit, it once again falls short and does not comply with regional standards for high capacity transit service.

If the Point Wells Project is to become the thriving dense commercial and recreational area illustrated by BSRE's documentation, how will people access it during off peak hours or weekends? Given that the very limited shuttle service proposed in the future, and due to the isolated nature of Point Wells, vehicle dependence (most likely single-occupancy) and ownership is probable. Such dependence is not consistent with the goals of Urban Center development Snohomish County articulates in its regulations and Comprehensive Plan. Furthermore, BSRE has not determined how this shuttle service will be integrated into Sound Transit's

¹¹ Exhibit A-35 at Page 4. A Sounder station is currently located in the City of Edmonds, just a few miles to the north. Sound Transit has projects planned out to 2036 and commuter rail to this site is not listed as a project in any current Sound Transit plans. Sound Transit's System Expansion Implementation Plan can be reviewed at: <https://www.soundtransit.org/sites/default/files/project-documents/system-expansion-implementation-plan.pdf>

¹² Exhibit A-35, Appendix D: "*The frequency of service shall be determined in part by the demand therefor from Point Wells' residents.*"

Lynnwood Link Extension station slated to be constructed within Shoreline at 185th Street along Interstate 5. Based on the designs presented by Sound Transit, there is very limited space for transit and passenger loading/unloading at these future light rail stations and so far, no attempt to fund or even generally set aside space within or near the transit center has been communicated by BSRE to any transit agencies or Shoreline.

Beyond the “high capacity” problems previously listed, Exhibit A-35 paints a picture that the shuttle service will provide the “minimum required” in order to stay under the arbitrary 11,587 daily trip cap, as opposed to an hourly cap based on a Level of Service Standards (LOS) analysis and mitigation (See Item 4 below for discussion of daily trip cap). If the claim is to capture 15 percent of trips via transit, robust and frequent service needs to be provided to achieve that rate, otherwise the reduction in trips is unrealistic and should not be credited toward traffic impacts. Perhaps more important, due diligence and proof of commitment to this shuttle plan should be required before this singular measure is used to justify 90 foot building heights. There is also a claim that the shuttle service will connect to Sound Transit’s Lynnwood Link Light Rail stations at N 185th in the future. However as noted previously, no attempt has been made to secure drop-off-/pick-up space from Sound Transit for this or for Sound Transit to even consider such a proposal. There is no guarantee that the station area will be able to support an unaccounted for frequent shuttle service and this very conceptual plan may not be viable at all.

Snohomish County Urban Center regulations require access to high capacity transit in order to allow structures over 90 feet. All BSRE has provided is wishful thinking that there *may* be access to high capacity transit in the future. No plans which include buildings over 90 feet should be approved until there is existing or confirmed planned access to high capacity transit.

B. BSRE has failed to protect neighboring lower density land uses with building setbacks as required by Snohomish County regulations.

The City of Shoreline Comprehensive Plan identifies the 61 acre Point Wells site as a Future Service and Annexation Area (FSAA). A FSAA is the same as a Municipal Urban Growth Area (MUGA) in Snohomish County. In 2010, Shoreline adopted the Point Wells Subarea Plan.¹³ Shoreline’s Point Wells Subarea Plan includes specific policies related to the maximum height of structures because of the potential to significantly impair public views given the topography of the area. These policies were developed to identify measures to reasonably preserve views of Puget Sound and the Olympic Mountains that currently exist from neighboring properties. These height related policies support and supplement the Snohomish County Code. The policies are as follows:

¹³ A copy of the Point Wells Subarea Plan can be viewed at:
<http://www.shorelinewa.gov/home/showdocument?id=12491>

- “Policy PW-5: New structures in the NW subarea [North Village] should rise no higher than elevation 200. New buildings east of the railroad tracks [Urban Plaza] would be much closer to existing single family homes in Woodway and Richmond Beach. To reflect this proximity, buildings of a smaller scale are appropriate.”
- “Policy PW-6: New structures in the SE Subarea [South Village] should rise no higher than six stories.”
- “Policy PW-7: The public view from Richmond Beach Drive in Shoreline to Admiralty Inlet should be protected by a public view corridor across the southwest portion of the NW [North Village] and SW [South Village] subareas.”
- “Policy PW-8: New structures in the NW subarea [North Village] should be developed in a series of slender towers separated by public view corridors.”

The Point Wells Project Architectural Plans dated April 17, 2017, and the April 24, 2018, revisions (see Exhibits B-1 and B-7), denote the areas of the project that are within the public view corridor that is designated in Shoreline’s Point Wells Subarea Plan as the South Village and the Central Village. The Overall Section – South Village and Central Village found on Page A-311 (Exhibit B-7) of the new buildings east of the railroad tracks in the area labeled by BSRE as “Urban Plaza” would be much closer to existing single family homes in Woodway and Shoreline’s Richmond Beach neighborhood. To reflect this proximity, buildings of a smaller scale, ideally 55 feet or lower, are more appropriate to preserve the public view corridor. Yet, BSRE seeks a variance to excuse it from SCC 30.34A.040(2)(a) which, like Shoreline’s Point Wells Subarea Plan, seeks to have development scaled down when in proximity to single family development. See, Exhibit A-29.

Shoreline’s Point Wells Subarea Plan polices supports SCC 30.34A.040(2) which limits building heights in Urban Centers adjacent to lower density zoning to a height that is no greater than half the distance the building or that portion of the building is located from the adjacent low density zone. The heights of the buildings proposed in the “Urban Plaza” do not meet the SCC and do not meet the intent of Shoreline’s Policy PW-5. If the buildings were designed to comply with SCC 30.34A.040 (1) and SCC 30.34A.040 (2), Shoreline Policy PW-5 with regards to the “Urban Plaza” would also be met.

With regard to the heights of the buildings proposed in the North Village, it is unclear without further study as to whether or not the heights and placement of the eight (8) proposed buildings meet Shoreline’s policy to limit building height elevation to 200 feet. Limiting the height to 90 feet or less in this area would likely comply with Shoreline’s Policy PW-5.

3. *BSRE has failed to demonstrate that the Point Wells project preserves and protects the public interest in the Puget Sound Shoreline as required by Shoreline Management regulations.*

The Puget Sound shoreline is a shoreline of statewide significance under the Shoreline Management Act (SMA), chapter 90.58 RCW, and as such, entitled to the optimum implementation of the SMA policies based on a statewide interest. RCW 90.58.090(5). As described in the Staff Reports, the environmental impacts to the shoreline, one of Washington's most valuable and fragile natural resources, cannot be determined without the requested information and corrections to existing documents.

The Point Wells site west of the railroad tracks is designated as both a Conservancy Shoreline (water's edge) and an Urban Shoreline, but despite these designations BSRE has neglected to provide information on compliance with applicable regulations despite Snohomish County's repeated requests. Without the information to determine how the Puget Sound shoreline and shore lands will be impacted, such as the intensity of use proposed, environmental analysis cannot even begin. For instance, it is unknown what types of commercial uses for the pier will be allowed in light of Snohomish County's Shoreline Management Master Program's prohibition on commercial uses in this area and, also, the traffic and parking related impacts. See, Exhibit A-24; SCC Chapter 30.67; RCW 90.58.

Additionally, Shoreline's Point Wells Subarea Plan states that any improvements in the western most 200 feet (the shoreline jurisdiction) of the NW and SW subareas of Shoreline's Subarea Plan should be limited to walkways and public use or park areas. For the most part, structures are proposed to be located outside of the 200 feet setback but portions of structures in the North, Central, and South Villages are proposed to encroach in this area.

4. *BSRE has failed to demonstrate that the Point Wells Project can be supported by transportation and parking infrastructure so as to not have adverse effects on neighboring communities.*

A. Failure to document feasibility of supportive transportation infrastructure.

Many of the aforementioned issues inform and effect the yet-to-be drafted Draft Environmental Impact Statement and Expanded Traffic Impact Analysis (Exhibit C-28) Methods and Assumptions. Each of the issues represents a weak point in which the transportation analysis assumptions could fall apart, or at the very least create significantly more impact to Shoreline's transportation network than what has been characterized by BSRE.¹⁴

¹⁴ Additionally, the second access road significantly impacts the transportation assumptions utilized in the Expanded Traffic Impact Analysis.

While there are many components of BSRE's *Point Wells Expanded Traffic Impact Analysis* (Expanded TIA) that may not be a concern to Snohomish County, they are of concern to Shoreline. Of particular note is the characterization of Shoreline's LOS standard as it relates to the traffic volume to capacity ratio. See, Exhibit C-28. Pages 85 and 86 of the Expanded TIA qualitatively describe how the traffic BSRE is proposing to add to Shoreline's street network would cause failures of Shoreline's traffic volume to capacity (V/C) ratio standard. The Expanded TIA then goes on to say that Shoreline has allowed exceptions to this standard in specific cases and that Shoreline has the ability to exercise this exception again, effectively just for the sake of accommodating the Point Wells Project traffic as proposed by BSRE.

What the Expanded TIA fails to state in this section is quantitatively how much the Point Wells Project traffic increases the V/C ratio beyond Shoreline's adopted standard. Shoreline's V/C standard is .90 and only in just a few isolated cases has Shoreline allowed a V/C of up to 1.10. Table 29 of the Expanded TIA shows V/C ratios far exceeding the 1.10, with some ratios as high as 1.44. The Expanded TIA does not address or propose any mitigation related to this Shoreline LOS standard failure, nor does it acknowledge the very significant increase beyond not only the baseline LOS standard, but also the maximum that Shoreline has ever allowed.

Compounding this is the assumption of trip reductions beyond standard methodologies. Based on the Point Wells Project plans, the estimated trips generated by the site is aggressively low and likely underestimated in general. As many of the ambitious Point Wells Project promises fail to materialize, such as an adequate and functional second access road or a transit ridership capturing 15 percent of trips, the already unmanageable traffic impacts that exceed Shoreline's LOS standard become that much greater, especially given the lack of mitigation measures. Also noteworthy is the fact that the project reduces its anticipated impacts by 15 percent based on an undefined shuttle service, but doesn't account for trips to a future rail stop it is planning and reliant upon to satisfy requirements for High Capacity Transit.

Included in the first two sections of BSRE's April 27, 2018 revisions were Exhibit A-35 *Supplement to Urban Center Development Application* and a reliance on the 2013 Memorandum of Understanding between BSRE and Shoreline (2013 MOU). Exhibit A-35, Exhibit A. The purpose of the 2013 MOU was to establish a process and parameters for developing the Richmond Beach Corridor Study, a study that was to analyze the transportation impacts on Shoreline's street network arising from the Point Wells Project.¹⁵ BSRE, in Section 1 and 2 of Exhibit A-35, focuses on the 11,587 Average Daily Traffic (ADT), the "trip cap," set by the 2013 MOU and how

¹⁵ Information on the Richmond Beach Corridor Study can be viewed on Shoreline's website at: <http://www.shorelinewa.gov/government/projects-initiatives/point-wells/transportation-corridor-study>

to monitor this trip cap. While the 2013 MOU did provide a not to exceed assumption of 11,587 ADTs, this assumption was never intended to represent the number of trips that the Shoreline street network can support; it was simply a study benchmark – an upper limit of what Shoreline was willing to partner for further study.

In addition, BSRE's statement that the Richmond Beach Corridor Study has not been finalized is disingenuous. The Corridor Study, which commenced in 2014, has not been completed because Shoreline reached an impasse with BSRE in determining an appropriate mitigation strategy to meet Shoreline's LOS standard for the proposed number of ADTs that the Point Wells Project would add to Shoreline's street network. In other words, the finalization of the Corridor Study is not possible given not acceptable mitigation strategy and utilizing mitigation that has not been finalized does not satisfy Snohomish County's transportation requirements for the purpose of continuing environmental review on the Point Wells Project.

More importantly, the focus should be on Shoreline's LOS standard, also a term of the 2013 MOU, which BSRE makes no mention of in Exhibit A-35. The 2013 MOU clearly states the LOS standards which the Point Wells Project would need to meet – a LOS D for intersections with no through movement less than a LOS E and a street segment V/C ratio no greater than 0.9. See, Exhibit A-35, MOU Exhibit B. While Shoreline would expect a mechanism for monitoring LOS included as part of environmental impact statement (EIS) documentation, terms have not been discussed, defined or agreed to between BSRE and Shoreline. Furthermore, any trip cap and resulting monitoring would necessarily be based upon a newly determined peak hour trip cap resulting from actual LOS analysis and mitigation.

B. Failure to demonstrate adequate parking infrastructure.

The City of Shoreline wants to ensure that any development of Point Wells meets or exceeds the applicable regulations for parking in SCC Chapter 30.26. BSRE previously requested a variance to allow it relief but has since withdrawn that request. See, Exhibit A-10; Supplemental Staff Report. Parking along Richmond Beach Drive would be unacceptable and does not meet Shoreline's current and long range plans for this area. Pedestrian and bicycle facilities are a higher priority on Richmond Beach Drive than on-street parking. Additionally, overflow parking on side streets in Shoreline would also be an unacceptable impact to the Richmond Beach neighborhood.

The ability to provide the required parking is a major determining factor for the ultimate size and design of any development. The parking information provided by BSRE is incomplete and contains gross inaccuracies such as BSRE's interpretation of what constitutes "senior housing" so as to justify a lower level of parking. Exhibit A-35 states that BSRE proposes to provide over 1,000 "senior housing" units. These units will have an impact on parking especially with the age requirement of 55 and the allowance that not all residents have to satisfy that requirement. Shoreline agrees with

Snohomish County staff that this definition does not represent the intent of a senior housing category in relationship to required parking. The occupant composition suggested is representative of a non-classified residential unit with the parking based on the size of the unit. This is a misrepresentation of the parking demand, as these types of units would have significant parking impacts on the project and the surrounding neighborhoods.

Additionally, only providing forty-two (42) spaces for public parking to access the beach, which is likely to become a regional park, seems woefully inadequate. Without due diligence to verify the ability to provide parking as required by Snohomish County for the Point Wells Project, it is impossible to adequately study the environmental impacts of this Project.

Lastly, related to the requirement for High Capacity Transit and the project's plan to work with Sound Transit to implement a Sounder train stop on site; BSRE plans fail to demonstrate how parking for a rail station could be accommodated both for onsite trips, and for the trips that would be attracted from the surrounding neighborhood.

Shoreline is very concerned by the fact that Snohomish County has communicated the parking requirements to BSRE and the need for a parking demand study, which clearly illustrates the location, use and quantity of all parking and associated land use and yet, since April 2013, BSRE has failed to successfully provide such a study.

5. *BSRE has failed to demonstrate that the Point Wells Project complies with Snohomish County Code provisions regarding Critical Areas, including Geologically Hazardous Areas, Wetlands and Fish and Wildlife Habitat Conservation Areas, and Critical Aquifer Recharge Areas.*

SCC 30.62B.340 does not allow development activity in landslide hazard areas or the buffers unless a deviation has been granted. BSRE has requested such a variance. See, Exhibit C-27. BSRE's April 24, 2018 Project Narrative (Exhibit A-32) states: "*Landslide hazard buffers can be reduced if supported by geotechnical and engineering studies. The design team has assumed that by implementing these studies and low impact development techniques Snohomish County will approve modifications to the prescriptive setbacks.*" This statement assumes the future studies are enough to justify modification of setbacks. Shoreline agrees with Snohomish County's Supplemental Staff Report in that the Hart Crowser memorandum supporting its deviation request (Exhibit C-33) failed to demonstrate the criteria necessary to obtain a deviation to reduce the landslide hazard buffers.

Shoreline also has previously advised Snohomish County that BSRE should be required to perform some level of geologic and seismic hazard analysis of Richmond Beach Drive NW, as this road has experienced water intrusion failures in the past which resulted in temporary road closures. As stated before, even if a secondary

access road is provided, Richmond Beach Drive will be the primary ingress and egress for the entire Point Wells community.

In addition, Exhibit C-30, the *Critical Area Report* does not satisfy the requirements of SCC Chapter 30.62A. First, it does not include the required Habitat Management Plan as required by SCC 30.62A.460. Second, it does not include mitigation and restoration for any of the wetland or stream impacts as required by SCC 30.62A.150. The site specific analysis of these critical areas has not yet been done and it is therefore premature to assume what the impacts will be to these areas. The only mitigation and restoration plan (approximately five (5) pages) provided by BSRE is for the marine shoreline with the idea that this restoration would serve as mitigation for the impacts to the Chevron Creek and Wetland-A related to the second access road.

Again, it is difficult to conclude anything other than the Point Wells Project does not meet SCC requirements. There will be significant impacts to wetlands, streams, shorelines, and fish and wildlife habitat areas that will not be capable of mitigation because incomplete and inaccurate information has been submitted to date, and it is impossible to demonstrate compliance with even the minimum standards. Further, BSRE bases the project design on critical area buffer reductions, which have not been approved, for all of the critical areas based on this generalized, incomplete and inaccurate depiction of the resources.

CONCLUSION

As the Hearing Examiner can see from the Snohomish County Staff Reports and the public and agency comments received, BSRE's Point Wells Project is based on a "Trust Us" premise that all of the hypothetical scenarios and conditions subsequent can be realized, with the end results being an Urban Center that fulfills the goals and intent of Snohomish County's Plans and Regulations for this type of development. The Snohomish County Planning Staff has not accepted this premise and the Hearing Examiner should not accept it as well.

In conclusion, for the reasons set forth in this letter and those articulated by the Snohomish County Planning Department in the April 17, 2018 and May 9, 2018 Staff Report recommendations, except as to Snohomish County Staff's statements regarding the Traffic Report and Assumptions and the Public Transportation and Transit Compatibility in the May 9 Supplemental Staff Report, the City of Shoreline agrees that to continue preparation of an environmental impact statement would be futile and an unwarranted expense of resources for not only Snohomish County but all parties interested in the Point Wells Project.

The Honorable Peter Camp, Hearing Examiner

May 16, 2018

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Therefore, the City of Shoreline requests that the Hearing Examiner accept the Snohomish County Staff recommendation and deny File Numbers 11-101457 LU; 11-101461SM; 11-101464 RC; 11-101008 LDA; 11-1011007 SP; and 11-101457 VAR.

Sincerely,

CITY OF SHORELINE



Debra Tarry
City Manager

Attachments

Attachment A - Topographical Map

Attachment B - Shoreline Comprehensive Land Use Map

Attachment C - Key Transportation Connections with Volumes

Attachment A

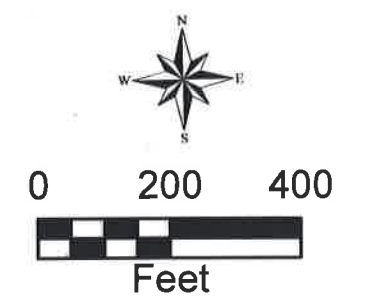


Point Wells Topography

Contours and Boundaries

— Intervals (5 FT)

□ Tax Parcels






Date: 5/7/2018

Comprehensive Plan Land Use Designations

- | | |
|---|---------------------------------------|
|  | Station Area 1 |
|  | Station Area 2 |
|  | Station Area 3 |
|  | Low Density Residential |
|  | Medium Density Residential |
|  | High Density Residential |
|  | Institution/Campus |
|  | Planned Area 3 |
|  | Mixed Use 2 |
|  | Mixed Use 1 |
|  | Town Center District |
|  | Public Facility |
|  | Public Open Space |
|  | Private Open Space |
|  | Future Service
and Annexation Area |

See LU20-LU43 for light rail station study area policies.

Potential Station Location

-  145th Station
-  185th Station
-  Approximate Light Rail Alignment



This map is not an official map. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

Land Use

Updated December, 2016

